

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SOLOMON UPSHAW,
U TRANSPORT LOGISTICS, LTD.,
Plaintiff,

v.

JENNIFER L. WARREN, President
OASIS CAPITAL, INC.,
Defendant,

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) C.A. No. 04-10880-MEL
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MOTION TO DISMISS

The Defendant, "Jennifer L. Warren, Pres., Oasis Capital, Inc." hereby moves to dismiss the Complaint filed by Solomon Upshaw (we infer from the pleadings, without further information, that Mr. Upshaw does business as "U Transport Logistics, Ltd.") pursuant to Fed. R. Civ. P. 12(b)(2), 12(b)(5), and 12(b)(6). As grounds therefor, the Defendant states:

1. Oasis Capital, Inc. is incorporated and operates in California. It has no assets or business in Massachusetts and, if it has derived any revenues from business in Massachusetts, such revenues have been minimal and incidental.

2. While Jennifer L. Warren is the President of Oasis Capital, Inc., Ms. Warren does not live or work in Massachusetts and never has (see affidavit of Jennifer L. Warren submitted herewith).

3. The Complaint and Summons were mailed to

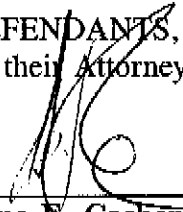
Jennifer L. Warren
Oasis Capital, Inc.
1 Center Pointe Drive
LaPalma, CA 90623

Based upon the language of the complaint and that on the Summons itself, it is unclear to whom the Plaintiff(s?) intended service be given.

4. The two page "Complaint," filed in this action does not contain any statement of what the Plaintiff(s) allege that the Defendant(s) did or did not do which would support any award to the Plaintiff(s).

WHEREFORE, as there is no personal jurisdiction over the Defendant(s) and the Plaintiff(s)' Complaint fails to set forth any cause of action, the Defendant(s) request that this matter be dismissed and that the Defendant be awarded its costs for having to defend this frivolous action.

DEFENDANTS,
By their Attorneys,

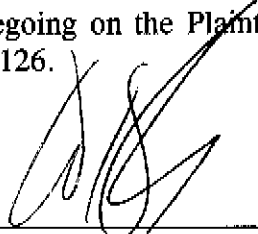


Dana E. Casher
Krulwich, Casher, P.C.
50 Staniford Street
Boston, MA 02114
(617) 367-1200
BBO# 551037

Dated: May 17, 2004

CERTIFICATE OF SERVICE

I certify that I served the foregoing on the Plaintiffs by mailing a copy to them at 49 Cookson Terrace, Mattapan, MA 02126.



Dana E. Casher

KRULEWICH, CASHER, P.C.

ATTORNEYS AT LAW

50 Staniford Street · P.O. Box 8190 · Boston, Massachusetts 02114 · (617) 367-1200 · FAX: (617) 367-6736

May 19, 2004

Tony Anastas, Civil Clerk
United States District Court
For District of Massachusetts
One Courthouse Way
Boston, MA 02210

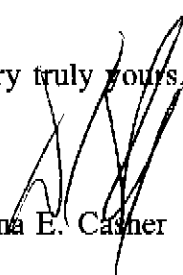
Re: Solomon Upshaw
vs. Jennifer Warren, et al
C.A. No. 04-10880-MEL

Dear Mr. Anastas:

You will find enclosed the Motion to Dismiss the above matter with an affidavit in support thereof which is being contemporaneously served upon the plaintiff. Kindly file same in your usual fashion.

The defendant expects that the plaintiff will oppose the motion.

Very truly yours,


Dana E. Casner

DEC/te
Enclosures
cc: Solomon Upshaw
U Transport Logistics, Ltd.